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PTO/SB/01 (02-08)

Approved for use through 06/30/2010. OMB 0851-0032

U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

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**DECLARATION FOR UTILITY OR
DESIGN
PATENT APPLICATION
(37 CFR 1.63)**☐ Declaration
Submitted
With Initial
Filing

OR

☒ Declaration
Submitted after Initial
Filing (surcharge
(37 CFR 1.16 (f))
required)Attorney Docket
Number

First Named Inventor

Igor Lvovich Skryabin

COMPLETE IF KNOWN

Application Number

10/583,121

Filing Date

Art Unit

Examiner Name

I hereby declare that: (1) Each inventor's residence, mailing address, and citizenship are as stated below next to their name; and (2) I believe the inventor(s) named below to be the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

Method for electrolytic engineering of nano-particulate layers

(Title of the Invention)

the specification of which

☐ is attached hereto

OR

☒

was filed on (MM/DD/YYYY)

12/17/2004

as United States Application Number or PCT International

Application Number 10/583,121

and was amended on (MM/DD/YYYY)

(if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

Authorization To Permit Access To Application by Participating Offices

☐ If checked, the undersigned hereby grants the USPTO authority to provide the European Patent Office (EPO), the Japan Patent Office (JPO), and any other intellectual property offices in which a foreign application claiming priority to the above-identified application is filed access to the above-identified patent application. See 37 CFR 1.14(c) and (h). This box should not be checked if the applicant does not wish the EPO, JPO, or other intellectual property office in which a foreign application claiming priority to the above-identified application is filed to have access to the application.

In accordance with 37 CFR 1.14(h)(3), access will be provided to a copy of the application-as-filed with respect to: 1) the above-identified application, 2) any foreign application to which the above-identified application claims priority under 35 USC 119(a)-(d) if a copy of the foreign application that satisfies the certified copy requirement of 37 CFR 1.55 has been filed in the above-identified US application, and 3) any U.S. application from which benefit is sought in the above-identified application.

In accordance with 37 CFR 1.14(c), access may be provided to information concerning the date of filing the Authorization to Permit Access To Application by Participating Offices.

[Page 1 of 3]

This collection of information is required by 35 U.S.C. 115 and 37 CFR 1.63. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 21 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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DECLARATION — Utility or Design Patent Application**Claim of Foreign Priority Benefits**

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Not Claimed	Certified Copy Attached?	
				YES	NO
2003906985	Australia	December 18, 2003	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto.					

(Page 2 of 3)

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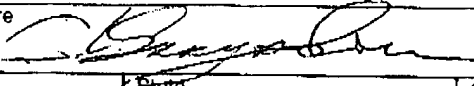
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Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

DECLARATION — Utility or Design Patent Application

Direct all correspondence to:	<input type="checkbox"/> The address associated with Customer Number:		OR	<input checked="" type="checkbox"/> Correspondence address below
Name Igor Lvovich Skryabin				
Address 76 Schlich St				
City Yarralumla		State ACT		ZIP 2600
Country Australia	Telephone 61 2 6282 8487		Email iskryabin@gmail.com	
WARNING: Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available. Petitioner/applicant is advised that documents which form the record of a patent application (such as the PTO/SB/01) are placed into the Privacy Act system of records DEPARTMENT OF COMMERCE, COMMERCE-PAT-7. System name: Patent Application Files. Documents not retained in an application file (such as the PTO-2038) are placed into the Privacy Act system of COMMERCE/PAT-TM-10. System name: Deposit Accounts and Electronic Funds Transfer Profiles.				
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.				
NAME OF SOLE OR FIRST INVENTOR:		<input type="checkbox"/> A petition has been filed for this unsigned inventor		
Given Name (first and middle (if any)) Igor Lvovich		Family Name or Surname Skryabin		
Inventor's Signature 		Date 28 March 2008		
Residence: City Yarralumla	State NSW	Country Australia	Citizenship Australia	
Mailing Address 76 Schlich St				
City Yarralumla	State NSW	Zip 2600	Country Australia	
<input checked="" type="checkbox"/> Additional inventors or a legal representative are being named on the supplemental sheet(s) PTO/SB/02A or 02LR attached hereto.				

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PTO/SB/02A (07-07)

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DECLARATION		ADDITIONAL INVENTOR(S) Supplemental Sheet	
		Page <u>1</u> of <u>1</u>	
Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle (if any))		Family Name or Surname	
Graeme Leslie		Evans	
Inventor's Signature		Date	
8 Karney St			
Residence: City	Kambah	State	ACT
		Country	AU
		Citizenship	AU
Mailing Address			
City		State	
		Zip	
		Country	
Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle (if any))		Family Name or Surname	
Inventor's Signature		Date	
Residence: City		State	
		Country	
		Citizenship	
Mailing Address			
City		State	
		Zip	
		Country	
Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle (if any))		Family Name or Surname	
Inventor's Signature		Date	
Residence: City		State	
		Country	
		Citizenship	
Mailing Address			
City		State	
		Zip	
		Country	

This collection of information is required by 35 U.S.C. 115 and 37 CFR 1.63. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 21 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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MAR 31 2008

Dr Igor Skryabin
76 Schlich St, Yarralumla ACT 2600
Australia
Ph: 61 2 6282 8487
email: iskryabin@gmail.com

The Commissioner of Patents
USPTO
The Commissioner for Patents
US Patents & Trademarks Office
PO Box 1450
Alexandria, VA 22313-1450

In re Patent Application of SKRYABIN et al
Application No 10/583,121
Filing Date: December, 17 2004
Method for electrolytic engineering of nanoparticulate layers
Igor Lvovich Skryabin
29 March 08

Dear Sir,
RE: INVENTOR'S DECLARATION FOR PATENT APPLICATION

I, Igor Lvovich Skryabin, the first joint inventor of the above identified application, hereby file a declaration under 37 CFR 1.63.

The facts related to this declaration and the reasons for its delayed submission are outlined below.

By way of background, in a petition filed on 17 July 06 in connection with United States patent application number 10/570,530, Dyesol's patent attorneys presented wrong and misleading information disparaging my name. This was despite the fact that the US PTO informed them that such a petition was not required. It appears that the petition had no purpose other than to disparage my name. Despite my numerous requests, Dyesol's patent attorneys attempted to correct only some of the wrong and misleading statements, while other statements remain in the related Statement of Facts.

In addition, a petition filed on 15 October 2007 in relation to the United States patent application number 10/583,121 again presents wrong and misleading statements. I note that on 18 September 2008, Dyesol's solicitors received my offer to sign all United States patent documents on the basis that Dyesol provides the full release of all claims which it may allege against me in relation to these patents. The release was important to me since Dyesol Ltd was attempting to make me responsible for their alleged additional costs in relation to the preparation of the petitions. Mr. Bujold in his petition states, however, that he is "unsure what further action ... must undertake to... obtain Inventor Skryabin's signature".

1 of 2

Further Mr. Bujold states that "One important aspect of the 'disagreement' apparently relates to compensation/shares that inventor Skryabin alleges he is entitled to receive but, for a variety of reasons, Dyesol Ltd disputes that inventor Skryabin is entitled to such compensation/shares". This, again, is incorrect.

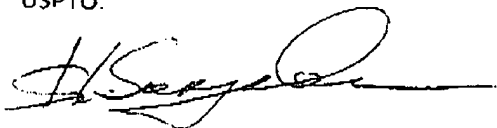
What Mr. Bujold called "compensation/shares" relates, I understand, to a separate matter, for which proceedings were commenced in the Supreme Court of New South Wales, between another person and another entity. I am likely to be required to give evidence in those proceedings. This matter is unrelated to the subject of Mr. Bujold's petition, despite the fact that Ms. Sylvia Tulloch and Dr Gavin Tulloch are both directors of that entity (Tulloch Management Pty Ltd - TMPL), and Ms. Sylvia Tulloch was a director of Dyesol Ltd until very recently, when she was replaced by Dr. Gavin Tulloch, now a managing director of Dyesol Ltd.

In a number of letters to Dyesol Ltd, their lawyers and patent attorneys, both in Australia and the USA, I requested that Dyesol refrain from providing wrong and misleading information, including to the USPTO, and from disparaging my name.

On many occasions I offered to discuss the relevant matters. In particular, I made a number of telephone calls to Dyesol's director Mr. Gordon Thompson, expressing my concerns and inviting him to a discussion. On practically every occasion Mr. Thompson said to the effect that he needs to talk with either Sylvia (Tulloch) or Gavin (Tulloch), or Dyesol's Chairman. He has never got back to me. Further, late in December 2008, I had a telephone conversation with Dyesol's Chairman, Mr Richard Caldwell, who expressed a willingness to meet with me and resolve all matters. Mr. Caldwell, however, never came back to me with the date of the meeting.

Further, I recently sent a number of emails to Mr. Bujold explaining that, in order to be able to give him my power of attorney in relation to the United States patent applications, I need assurance that Mr. Bujold and his firm Davis, Bujold & Daniels, acting for Dyesol Ltd will not continue disparaging my name in future. I received no reply from Mr. Bujold.

In the circumstances where Dyesol and its patent attorneys do not cooperate, I do not see how I can give a power of attorney to Davis, Bujold & Associates or other attorneys acting for Dyesol Ltd. I, therefore, now submit a declaration under 37 CFR 1.63 directly to the USPTO.



Igor Skryabin

Enclosed:

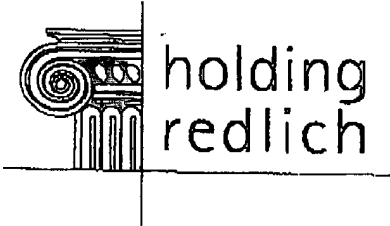
1. Letter to Dyesol's solicitors of 18 September 07
2. Recent correspondence with Mr. Bujold.

2 of 2

ATTACHMENT 1

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Lawyers

Sydney • Melbourne • Brisbane

18 September 2007

Freehills
GPO Box U1942
PERTH WA 6845

Partner	David Walker
Direct Line	(02) 8083 0446
Email	david.walker@holdingredlich.com.au
Our Ref	DIW:27650049

By email to david.john@freehills.com

Attention: Mr David John

Dear Freehills

Skryabin – Execution of USPO documents

We refer to your letter dated 17 September 2007 relating to the bundle of US Patent Office documents for signature by Dr Igor Skryabin.

We confirm we have received instructions from Dr Skryabin in respect of the specific issues raised in your letter and in respect of the matters raised in previous correspondence between Mr Skryabin's former solicitors and your office in this regard.

Without any admission, we are instructed that Dr Skryabin is prepared to sign the bundle of US Patent Office documents on the basis that your client provides a full and final release of all claims which it may allege against our client in respect of those patents.

For the avoidance of doubt, our client's offer also does not constitute a waiver or admission by our client Ms Marina Yulina in respect of the rights she claims to the 800,000 Dyesol shares held by Tulloch Management Pty Limited (TMPL) under a declaration of trust. We note that our respective clients, Ms Yulina and TMPL, have reached an arrangement in relation to the transfer of 400,000 of Dyesol shares to Ms Yulina.

We further note that our client's former solicitors have previously raised with you in correspondence issues relating to misrepresentations of our client contained in certain patent documents lodged with the US Patent Office. Those issues remain unanswered. Can you please provide a response to those matters addressed to our office within 7 days.

Yours faithfully

HOLDING REDLICH

S:538615 1 GJW

Level 65, MLC Centre, 19 Martin Place, Sydney NSW 2000 GPO Box 4118, Sydney NSW 2001 DX 529 Sydney
t +61 (0)2 8083 0388 f +61 (0)2 8083 0399 ABN 15 364 527 724

www.holdingredlich.com.au

ATTACHMENT 2

Igor Skryabin**Subject:** FW: your recent letter

From: Igor Skryabin [mailto:iskryabin@gmail.com]
Sent: Monday, 10 March 2008 10:46 PM
To: 'mbujold@davisandbujold.com'
Cc: 'sdlubac@davisandbujold.com'
Subject: FW: your recent letter

Dear Michael,

I refer to my email of 5 March 2008 and to our telephone conversation on the same day. Still, I have not received the information I asked for from you and I have not received anything from Ms. Tulloch. You mentioned that the deadline for the submission of the documents to the USPTO is quickly approaching. Could you please let me know the date? I am sure you would appreciate that in the circumstances when there were incorrect statements in the previous petitions submitted by your firm to the USPTO, I am unable to give you a power of attorney unless these statements are corrected to represent actual facts of this matter. I accept, however, if there is a pressure of time, that we at least commence the process of such correction in a good faith; receiving copies of your previous petitions is an essential part of this.

I look forward to receiving your reply. In case of urgency I could send the documents to you or directly to the USPTO by couriers, fax or by any other available means in order to meet the USPTO deadline.

Best regards,
Igor

Dr. Igor Skryabin
76 Schlich St, Yarralumla, ACT 2600
Australia
Tel: 61 2 62828487
Cell: 61 414721434

From: Igor Skryabin [mailto:iskryabin@gmail.com]
Sent: Wednesday, 5 March 2008 10:02 AM
To: 'mbujold@davisandbujold.com'; 'sdlubac@davisandbujold.com'
Subject: FW: your recent letter

Dear Michael,

Following our telephone conversation today I confirm that I am waiting for a response from Dyesol (some time ago I contacted Mr. Richard Caldwell, the company's Chairman; he expressed a willingness to discuss, but yet to come back to me with the date of the meeting) and from Sylvia Tulloch (named an inventor on the application). As discussed, I have always been willing to quickly proceed with the matter, it is a subject to a few clarifications in relation to the patent, and I am actively seeking these from Dyesol. I am unsure how I can speed up this process.

Unfortunately, as it became apparent, you were not informed about this. Sadly, this resulted in inaccurate presentations of facts in your petitions to the USPTO.

I confirm that in any case I shall send you my formal reply by 15 March 08. In a meantime, please copy to me your previous petitions to the USPTO as requested in my email of 3 March 2008.

Best regards,
Igor

Dr Igor Skryabin
70 Schlich St
Yarralumla ACT 2600

From: Igor Skryabin [mailto:iskryabin@gmail.com]
Sent: Monday, 3 March 2008 9:18 PM
To: 'Alicia Gendron'; 'mbujold@davisandbujold.com'
Subject: your recent letter

Dear Mr. Bujold,

In relation to your letter of 20 February 2008, I am awaiting for clarification regarding inventorship from Ms. Sylvia Bulloch, who is named as an inventor in the patent application in question. I shall respond to you by 15-March 2008. In the meantime:

- 1 Please avoid filing any further petition to the USPTO to avoid misrepresentation of facts as happened previously.
- 2 Please copy me any petitions that you have already submitted to the USPTO concerning me.

Yours truly,
Dr. Igor Skryabin